

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDDIE L. HATCH JR., ET AL.,

Plaintiffs,

v.

Case No.: 20-CV-1791-JPS

THE CITY OF MILWAUKEE, ET AL.,

Defendants.

**DEFENDANTS CINNAIRE SOLUTIONS, JAMES DOW, AND
CHRISTOPHER LAURENT’S REPLY AND JOINDER IN SUPPORT OF
MOTION TO DISMISS**

Defendants Cinnaire Solutions, James Dow, and Christopher Laurent (collectively “Cinnaire”) respectfully submit this reply in support of their Motion to Dismiss the Second Amended Complaint (ECF Dkt. 88) and joinder (ECF Dkt. 87 (“Notice of Joinder”)) to the Motion to Dismiss filed by the City of Milwaukee Defendants (ECF Dkt. 84-86). Cinnaire also joins the reply being filed on behalf of the City of Milwaukee Defendants this date. ECF Dkt. 106. For the reasons stated in its previous filings and below, the Court should grant Cinnaire’s and City of Milwaukee Defendants’ motions and dismiss plaintiffs’ claims against Cinnaire with prejudice.

ARGUMENT

In its Notice of Joinder, Cinnaire pointed out that Plaintiffs’ only action alleged of Cinnaire is that Cinnaire submitted a competing proposal to purchase the subject property, which Plaintiffs tacitly conceded. Plaintiff’s Response to Defendants Motion to Strike and Motion to Dismiss Any and All Counts of the Second Amended Complaint of the Individual and Joint Defendants (ECF Dkt. 100), at 7. Instead, Plaintiffs expanded their allegations about Cinnaire Solutions’ skin color—asserting unsupported allegations (not pled in their Second Amended Complaint) that

Cinnaire Solutions “is owned and operated by a white man from Madison Wisconsin,” and that “he never had money to submit a proposal to purchase the subject property during the RFP we now litigate,” and further asserting that “all of the named Defendants supported Cinnaire Solutions acquisition of the subject property....” *Id.* Plaintiffs conclude, without citing any support, that “[t]hese are more than enough facts alleged.” *Id.*

Yet, Plaintiffs fail to explain how Cinnaire’s sole act of submitting a competing purchase proposal amounted to discrimination *by Cinnaire* against the Plaintiffs’ interests, or supports liability *against Cinnaire* on any of the other causes of actions alleged in the Second Amended Complaint. There are no allegations that Cinnaire ever owned, managed, or otherwise controlled the subject property at any time or in in any manner, or offered other related services, which could even theoretically have placed Cinnaire in a position to discriminate against Plaintiffs’ interests, much less that Cinnaire undertook the action of submitting a competing purchase proposal because of the plaintiffs’ race, religion, or national origin. *Ashcroft v. Iqbal*, 556 U.S. 662, 682-83 (2009). In short, Plaintiffs have failed to demonstrate a plausible claim for relief, as against Cinnaire. *Ashcroft v. Iqbal*, 556 U.S. at 679. Plaintiffs have failed to state any claim against Cinnaire for which relief may be granted. Pursuant to Fed. R. Civ. P. 12(b)(6), Cinnaire asks this Court to grant the City’s Motion to Dismiss and remove Cinnaire from this action.

Dated: September 12, 2022

WISCONSIN DEALER LAW

Electronically signed by Eric A. Baker

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*Attorney for Cinnaire Solutions, James Dow,
and Christopher Laurent*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants Cinnaire Solutions, James Dow, and Christopher Laurent's Reply and Joinder in Support of Motion to Dismiss was served on all known counsel of record via CM/ECF on September 12, 2022. I further certify that a true and correct copy of the foregoing is being served on Plaintiffs Eddie L. Hatch, Jr. and Michelle Davis-Hatch by United States Mail, first-class and postage pre-paid at 4843 N. 25th Street, Milwaukee, Wisconsin 53209 and by email at EHatch@nightowlservicesllc.com.

Electronically signed by Lacy Kielman

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